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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,547	11/05/2003	Hirokazu Takemiya	Q78266	6082

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT PAPER NUMBER

3671

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,547

Applicant(s)

TAKEMIYA, HIROKAZU

Examiner

Alexandra K Pechhold

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 12-17, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 5-11 and 18-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-4, 12-17, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Csak (US 4,651,481).**

Regarding claim 1, Csak discloses a method for vibration-dampening around a structure (seen as superstructure 2), comprising disposing a plurality of adjoining column members (seen as mandrels 3 adjoining by bushings 4), and an elastic member (seen as rubber sheets 6), underground directly underneath or around said structure (as seen in Fig. 1), the column members forming a hard layer contiguous with the elastic layer (as seen by the sandwich 5 in Fig. 1), wherein the column members have a greater stiffness than the surrounding ground (since Csak discloses that mandrels 3 are made of steel in column 4, line 55).

Regarding claim 2, Csak discloses that mandrels are made of steel (Col 4, line 55).

Regarding claim 3, Fig. 1 of Csak shows the mandrels (3) surrounding the elastic material (6) that is therebetween.

Regarding claim 4, Fig. 1 of Csak appears to illustrate the mandrels (3) as having a cylindrical in cross section.

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Regarding claim 12, the bottom of superstructure (2) of Csak can be viewed as the support of the elevated structure.

Regarding claim 13, Fig. 2 of Csak illustrates a plurality of such basic units underneath the structure (2).

Regarding claim 14, Csak discloses a system capable of preventing or reducing vibration around a structure which generates vibration or receives vibration, the system comprising:

- an elastic member (seen as rubber sheets 6 in Fig. 1),
- a plurality of adjoining column members (seen as mandrels 3 adjoining by bushings 4), disposed around a periphery of the elastic member, the column members forming a hard layer contiguous with the elastic member (seen as sandwich 5 in Fig. 1), wherein the elastic member and the column members are disposed underground directly beneath or around said structure (seen in Fig. 1 as the superstructure 2), the column member having a greater stiffness than the surrounding ground (since Csak discloses that mandrels 3 are made of steel in column 4, line 55).

Regarding claim 15, Csak discloses that mandrels are made of steel (Col 4, line 55).

Regarding claim 16, Fig. 1 of Csak shows the mandrels (3) surrounding the elastic material (6) that is therebetween.

Regarding claim 17, Fig. 1 of Csak appears to illustrate the mandrels (3) as having a cylindrical in cross section.

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Regarding claim 25, the bottom of superstructure (2) of Csak can be viewed as the support of the elevated structure.

Regarding claim 26, Fig. 2 of Csak illustrates a plurality of such basic units underneath the structure (2).

Allowable Subject Matter

3. Claims 5-11 and 18-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 4/21/05, regarding the rejection of claims 1-4, 12-17, 25, and 26 under 35 USC 103(a) using Lin (US 5,669,736) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Csak (US 4,651,481).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (703) 872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
5/18/05